

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been amended, canceled, or added. Claims 1-33 are currently pending in the application.

Claims 1-3, 26-28, and 32-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over PCT 99/36795 to Krasner ("Krasner") and further in view of U.S. Patent No. 6,442,375 to Parmentier ("Parmentier"). Claims 4, 24-25, and 29-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Krasner in view of Parmentier and further in view of U.S. Patent No. 6,134,427 to Hughes ("Hughes").

Parmentier is cited in all of the above-identified rejections. As provided for by 35 U.S.C. § 103(c), subject matter developed by another person, which qualifies as prior art only under one or more of 35 U.S.C. § 102(e), (f), or (g), shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP 706.02(l)(1).

Applicants have filed concurrently herewith a Statement Concerning Common Ownership with respect to Parmentier (U.S. Patent No. 6,442,375) and the present application (U.S. Patent Application No. 09/637,543). In view of this statement, Applicant submits that Parmentier is disqualified as prior art under 35 U.S.C. 103(c) and can no longer be applied in a rejection based on 35 U.S.C. § 103(a). See MPEP 706.02(l)(2). Applicant respectfully requests that the 35 U.S.C. 103(a) rejection of claims 1-4 and 24-33 be withdrawn.

Claims 11-23 have been indicated as allowable. Claim 5-10 stand objected to as being dependent upon a rejected base claim, but are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant wishes to thank the Examiner for the indication of allowable subject matter with respect to claims 5-23.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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